FILED
AUG 1 2 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KNH DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA 08cr2032-JLS

UNITED STATES OF AMERICA,	)	Criminal Case No. 08~~cr~~mj8509-JLS
Plaintiff,	)	
v.	)	STIPULATION AND MOTION FOR RELEASE OF MATERIAL WITNESSES ERNESTO MARTINEZ-MOSQUEDA and JOSE TOLEDO-CORRALES AND ORDER THEREON
JOSE BAUDILO GASTELUM,	)	
Defendant.	)	

IT IS HEREBY STIPULATED AND AGREED between the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Charlotte Kaiser, Assistant United States Attorney, and defendant JOSE BAUDILO GASTELUM, by and through his counsel, Attorney Robert Rexrode, that:

1. The depositions of the material witnesses were completed on August 12, 2008.

2. The material witnesses were served with parole letters and subpoena for their appearance at trial on a date to be determined, copies of which were marked as Governments Deposition Exhibits ~~1, 2, and 3,~~ 10, 11, 12, 13 and 14; and 15-19, to said depositions.

3. There are no objections to the release and remand of said witnesses to the Department of Homeland Security for her return to their country of origin.

4. By signing this stipulation and motion, defendant certifies that defendant has read it (or that it has been read to defendant in defendant's native language). Defendant certifies further that defendant has discussed this stipulation and motion with defense counsel and fully understands its meaning and effect.

Based on the foregoing, the parties herein move for the immediate release and remand of the above-named material witnesses to the Department of Homeland Security for their return to their country of origin.

It is STIPULATED AND AGREED this date.

KAREN P. HEWITT
United States Attorney

Dated: 8/12/08.

Charlotte Kaiser
Assistant United States Attorney

Dated: 8/12/08.

Robert Rexrode
Defense Counsel for defendant
JOSE BAUDILO GASTELUM

Dated: __________.

JOSE BAUDILO GASTELUM
Defendant

ORDER

Upon joint application and motion of the parties, and for good cause shown,

IT IS ORDERED that material witnesses Ernesto Martinez-Mosqueda and Jose Alberto Toledo-Corrales be released and remanded forthwith to the Department of Homeland Security for their return to their country of origin.

Dated: 8/12/08

HONORABLE JANIS L. SAMMARTINO
U. S. DISTRICT COURT JUDGE